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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,746	08/05/2006	Joshua Dick	URNEXIUS	5733
37617	7590	06/10/2009	EXAMINER	
ROMI N. BOSE 1157 BANYON CT. NAPERVILLE, IL 60540			KO, STEPHEN K	
			ART UNIT	PAPER NUMBER
			1792	
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			06/10/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,746	<b>Applicant(s)</b> DICK ET AL.	
	<b>Examiner</b> STEPHEN KO	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/05/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollander (US 2005/0026798).

For claims 1, 5-7, Hollander teaches a method for cleaning a disposal (read as grinding machine, abstract) comprising the steps of placing cleaning composition in a form of tablet (read as apportioning a predetermined amount of cleaning material, abstract and paragraph [0015]) inside the disposal (inserting the cleaning material into the grinding machine, paragraph [0015]); turning on the disposal to particulate the friction component of the composition (read as grinding the cleaning material using the grinder, paragraph [0015]); and rinsing out the composition from the disposal (read as purging the ground cleaning material from the grinder, paragraph [0015]). Note that the tablet possesses a color.

For claim 2, note that the composition comprises walnut shell (abstract).

For claim 8, note that the composition comprises wrapping (read as binding agent, paragraph [0027]).

For claims 9-12, Hollander teaches a cleaner comprising walnut shell (abstract); and wrapping (read as binding material, paragraph [0027]) in a form of tablet. Note that the tablet possesses a color.

3. Claims 1, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wise (US 6,554,007).

Wise teaches a method for cleaning a disposal comprising the steps of adding a cleansing and disinfecting amount of the composition in a form of tablet (read as apportioning a predetermined amount of a cleaning material, col.3, L.6-8 and col.3, L.50) to the disposal (read as inserting the cleaning material into the grinding machine, col.3, L.6-8) while the grinding action of the garbage disposal is activated and a flow of water is provided, which inherently grinding the cleaning material and purging the ground cleaning material from the disposal. Note that the cleaning material possesses a color.

4. Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabby et al (US 4,328,217).

Gabby et al teach a tablet comprising bran, which is preferred as wheat (col.2, L.63-67), and binding agent (col.2, L.21-25). Note that the tablet possesses a color.

5. Claims 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer (US 5,462,427).

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Kramer teaches a tablet press comprising a mold having a first portion having a first predetermined size; and a second portion complementary to the first determined size and shape (Fig.1); and a pressing machine (Fig.1, #10) for pressing the first and second halves of the mold together at a predetermined force.

Since all the structures are found in the prior art, it is fully capable of performing the functions as recited in claims 16-17 and 20.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise (US 6,554,007) in view of DeSenna et al (US 6,397,862).

Wise teaches a method for cleaning a disposal cited above.

For claim 2, Wise remains silent about the step of providing cleaning material comprises one of the following materials as listed in claim 2.

However, DeSenna et al teach a method for cleaning disposal by providing a fiber (col.4, L.47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wise by adding a fiber as inspired by DeSenna et al to enhance the level of foam (DeSenna et al, col.5, L.32-34).

For claim 8, Wise remains silent about the step of providing cleaning material comprises binding material.

However, DeSenna et al teach a method for cleaning disposal by providing binding material (col.4, L.47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wise by adding a binding material as inspired by DeSenna et al in order to bind the compositions to form a tablet as well known in the art.

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10. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al (US 2002/0183261).

Takada et al teach a tablet comprising egg shell (read as inorganic food safe coarse materials, paragraph [0014]).

Takada et al remain silent about a binding material. However, examiner takes official notice that using a binding material to bind the compositions to form a tablet is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tablet of Takada et al by adding a binding material in order to bind the compositions to form a tablet as it is well known in the art.

#### ***Election/Restrictions***

Applicants' attention is drawn to the fact that this application contains at least the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Group I, claim(s) 1-2, 5-13 and 14; and Group II, claim(s) 15-20. The restriction requirement is not made at this time, however it may be imposed later if the claims are amended to introduce additional limitations to each invention, which would require an additional search in each Group of claims.

#### ***.Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN KO whose telephone number is (571)270-3726. The examiner can normally be reached on Monday to Thursday, 7:30am to 5:30pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK

/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 1792